

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of the Exposition Metro Line Construction Authority for an order authorizing the construction of two only two-track, at-grade, pedestrian crossings of the Mid-City Exposition Light Rail Transit Line at 1) the easterly end of the 26th Street Station and 2) at the westerly end of the Colorado/17th Street Station located in the City of Santa Monica, County of Los Angeles, California.

Application 14-01-013
(Filed January 8, 2014)

DECISION AUTHORIZING EXPOSITION METRO LINE CONSTRUCTION AUTHORITY TO CONSTRUCT TWO AT-GRADE PEDESTRIAN CROSSINGS FOR THE MID-CITY EXPOSITION LIGHT RAIL TRANSIT LINE IN THE CITY OF SANTA MONICA, LOS ANGELES COUNTY.

Summary

This decision grants the Exposition Metro Line Construction Authority authorization to construct two new at-grade pedestrian crossings as part of the Mid-City Exposition Light Rail Transit Line located in the City of Santa Monica, Los Angeles County.

Discussion

The Exposition Metro Line Construction Authority (Expo Authority), acting for and on behalf of the Los Angeles County Metropolitan Transportation Authority (LACMTA), is authorized to plan and construct the Exposition Corridor Light Rail Transit Project (project). The project is a two-track light rail transit (LRT) extension that, when complete, will provide public transit service

between downtown Los Angeles and the City of Santa Monica. Phase 1 of the project, an 8.5-mile segment from downtown Los Angeles to Culver City, received California Public Utilities Commission (Commission) approval and is in revenue operation.

Phase 2 of the project, a 6.6-mile segment from the terminus of Phase 1 in Culver City to the downtown area of City of Santa Monica, has received Commission approval and is under construction.

In this application, Expo Authority proposes to construct two pedestrian at-grade crossings (crossings) serving as secondary access points to two LRT stations in the City of Santa Monica within Phase 2 of the project.

Table 1 below lists the information and location for each proposed crossing.

Table 1: List of At-Grade Pedestrian Crossings

Crossing Name	CPUC Crossing No.	Warning Devices	Light Rail Station
26 th Street Station - East Entrance	84S-112.30-D	2 Commission Standard No. 8 (Flashing lights and Swing Gates)	26 th Street Station
15 th Court - West Entrance	84S-113.10-D	Pedestrian signals and Light Emitting Diode blank-out signs	Colorado/17 th Street Station

26th Street Station - East Entrance Crossing

This crossing is located within the semi-exclusive right-of-way (ROW) segment of the LRT alignment as classified in General Order (GO) 143-B Section 9.04(b)(1), having a fully exclusive ROW with at-grade crossings, protected between crossings by a fence. The crossing will be constructed with the following features:

- Two Commission Standard 8 (flashing light signal assembly) warning devices, one at each approach to the tracks;
- Active “TRAIN” Light Emitting Diode (LED) warning signs to warn pedestrians of approaching light rail trains;
- Americans with Disabilities Act (ADA) compliant detectable warning tactile strips on each approach to the tracks;
- Four pull-to-open swing gates at each approach to the tracks; and
- California Manual on Uniform Traffic Control Devices (CAMUTCD) standard W82-1(CA) “LOOK BOTH WAYS” signage.

15th Court - Colorado/17th Street Station West Entrance Crossing

This crossing is located within the semi-exclusive ROW segment of the LRT alignment as classified in GO 143-B Section 9.04(b)(4), by being within the middle of Colorado Ave ROW, but protected by six-inch mountable curbs. The crossing will be a mid-block pedestrian crosswalk of Colorado Avenue providing access to the west end of the Colorado/17th Street Station, and will be constructed with the following features:

- Traffic signals at the intersection of Colorado Avenue and the pedestrian crosswalk to control vehicular and pedestrian traffic;
- Dedicated train signals (lunar white bar indications) to control the light rail train movements;
- Active “TRAIN” LED warning signs to warn of approaching light rail trains;
- ADA compliant detectable warning tactile strips on each approach to the tracks; and
- CAMUTCD standard W82-1(CA) “LOOK BOTH WAYS” signage.

Environmental Review and CEQA Compliance

The California Environmental Quality Act of 1970 (CEQA), as amended, Public Resources Code Section 21000, et seq. applies to discretionary projects to be carried out or approved by public agencies. A basic purpose of CEQA is to inform governmental decision makers and the public about potential, significant environmental effects of the proposed activities. Since the project is subject to CEQA and the Commission must issue a discretionary decision in order for the project to proceed (i.e., the Commission has the exclusive authority to approve the project pursuant to Section 1202 of the Public Utilities Code), the Commission must consider the environmental consequences of the project by acting as either a lead or responsible agency under CEQA.

The lead agency is either the public agency that carries out the project,¹ or the one with the greatest responsibility for supervising or approving the project as a whole.² Here, the Expo Authority is the lead agency for this project, and the Commission is a responsible agency because it has jurisdiction to issue a permit for the project. As a responsible agency under CEQA, the Commission must consider the lead agency's environmental documents and findings before acting on or approving this project.³ As a responsible agency, the Commission is responsible for mitigating or avoiding only the direct or indirect environmental

¹ CEQA Guidelines (Title 14 of the California Code of Regulations), Section 15051(a).

² CEQA Guidelines (Title 14 of the California Code of Regulations), Section 15051(b).

³ CEQA Guidelines, Sections 15050(b) and 15096.

effects of those parts of the project which it decides to carry out, finance, or approve.⁴

Expo Authority prepared an environmental document titled Exposition Corridor Transit Project Phase 2 Final Environmental Impact Report (FEIR), dated December 2009. The FEIR identified environmental impacts and associated mitigation measures related to the Expo Phase 2 Project.

Expo Authority adopted a Notice of Determination (NOD) in certifying the FEIR, State Clearinghouse No. 2007021109. The NOD and FEIR were received by the State Clearinghouse on February 5, 2010, and indicated that the project will have a significant effect on the environment. As a consequence, mitigation measures were made a part of the approval. Because there were several impacts that could not be fully mitigated, a Statement of Overriding Considerations (SOC) was adopted in approving the project. The FEIR indicated that impacts to safety, transportation, and noise can be mitigated to less-than-significant levels through the implementation of the mitigation measures. Other impacts which could not be mitigated to less-than-significant levels relate to temporary impacts to air quality during the construction period, and permanent visual impacts from the project relating to the project's changes on the "character and visual quality" of surrounding area.

The Commission reviewed and considered Expo Authority's FEIR, NOD, and SOC, and finds, where feasible, Expo Authority adopted mitigations to reduce the impacts to less-than-significant levels, and that remaining significant impacts were lessened to the extent possible through adoption of additional mitigations.

⁴ CEQA Guideline Section 15096(g).

With regard to noise impacts related to the crossings, the Expo Authority adopts the following mitigation measure:

Mitigation Measure MM NOI-2 The volume of crossing bells shall be reduced to within 5 dBA [DeciBels Adjusted] of the bottom of the CPUC-approved range. This step is sufficient to reduce the bell noise to below the applicable FTA [Federal Transit Administration] impact thresholds.

This mitigation measure will reduce noise impacts to a less- than-significant impact.

The SOC adopted by the Expo Authority finds that “the economic, social, and other consideration of the Expo Phase 2 project outweigh the significant and unavoidable air quality and aesthetic impacts” associated with the project. Specifically, the Expo Authority finds that despite significant unavoidable impacts to the aesthetics of the surrounding area and air quality impacts from construction, the project “is an important component of the regional transportation plan and the transportation improvement program,” and “contributes to the strategy in the transportation plan to establish transit alternatives to the private automobile.” The SOC also finds that despite having significant air quality impacts during construction, the project would result in a net reduction of various pollutants due to the reduction in private vehicle use.

The Commission finds the FEIR, NOD, and SOC adequate for our decision-making purposes.

Filing Requirements and Staff Recommendation

The application is in compliance with the Commission’s filing requirements, including Rule 3.11 of the Rules of Practice and Procedure, which relates to the construction of LRT System Crossings.

The Commission's Safety and Enforcement Division Rail Crossings Engineering Section staff has reviewed and analyzed the application, and recommends that the requested authority to construct the at-grade crossings be granted for a period of three (3) years.

Categorization and Need for Hearings

In Resolution ALJ 176-3330, dated February 5, 2014, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. No protests have been received. A public hearing is not necessary, and it is not necessary to disturb the preliminary determinations.

Waiver of Comment Period

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Section 311(g)(2) of the Public Utilities Code and Rule 14.6(c)(2) of the Commission's Rules of Practice and Procedure, the otherwise applicable 30-day period for public review and comment is waived.

Assignment of Proceeding

Denise Tyrrell is the assigned Examiner in this proceeding.

Findings of Fact

1. Notice of the application was published in the Commission's Daily Calendar on January 23, 2014. There are no unresolved matters or protests. A public hearing is not necessary.

2. The Expo Authority, acting for and on behalf of LACMTA, requests authority, under Public Utilities Code Sections 1201-1205, to construct two two-track at-grade pedestrian crossings of the Mid-City Exposition Light Rail Transit Line at the easterly end of the 26th Street Station (CPUC Crossing No. 84S-112.30-D), and at the westerly end of the Colorado/17th Street Station (CPUC Crossing

No. 84S-113.10-D), both located in the City of Santa Monica, County of Los Angeles.

3. The Expo Authority is the lead agency for this project under CEQA, as amended.

4. The Expo Authority prepared an FEIR dated December 2009, which identified environmental impacts and associated mitigation measures related to the Expo Phase 2 Project. Expo Authority adopted a NOD in certifying the FEIR.

5. The NOD and FEIR were received by the State Clearinghouse on February 5, 2010, and indicated that the project will have a significant effect on the environment. As a consequence, mitigation measures were made a part of the approval. Because there were several impacts that could not be fully mitigated, a SOC was adopted in approving the project. The FEIR indicated that impacts to safety, transportation, and noise can be mitigated to less-than-significant levels through the implementation of the mitigation measures. Other impacts which could not be mitigated to less-than-significant levels relate to temporary impacts to air quality during the construction period, and permanent visual impacts.

6. The Expo Authority adopted the following mitigation measure specific to the at-grade pedestrian crossings: “**Mitigation Measure MM NOI-2** The volume of crossing bells shall be reduced to within 5 dBA [DeciBels Adjusted] of the bottom of the CPUC-approved range. This step is sufficient to reduce the bell noise to below the applicable FTA impact thresholds.”

7. The Commission is a responsible agency for this project and has reviewed and considered the information contained in the FEIR, NOD, and SOC.

8. Impacts related to the at-grade pedestrian crossings are areas within the scope of the Commission’s permitting process.

9. The FEIR, NOD, and SOC reflect the Commission's independent judgment and analysis.

Conclusions of Law

1. The FEIR, NOD, and SOC are adequate for our decision-making purposes.
2. The FEIR, NOD, and SOC were completed in compliance with CEQA.
3. The application is uncontested and a public hearing is not necessary.
4. The application should be granted as set forth in the following Order.

ORDER

IT IS ORDERED that:

1. The Exposition Metro Line Construction Authority, acting for and on behalf of the Los Angeles County Metropolitan Transportation Authority, is authorized to construct two two-track at-grade pedestrian crossings of the Mid-City Exposition Light Rail Transit Line at the easterly end of the 26th Street Station, and at the westerly end of the Colorado/17th Street Station, both located in the City of Santa Monica, County of Los Angeles.

2. The new crossings shall be identified as listed herein in Table 1, and be constructed as specified in plans attached to the application and described above.

3. The Exposition Metro Line Construction Authority shall comply with all applicable rules, including California Public Utilities Commission General Orders, the United States Department of Transportation's Americans with Disabilities Act Standards for Transportation Facilities, and the California Manual on Uniform Traffic Control Devices.

4. The Exposition Metro Line Construction Authority shall notify the California Public Utilities Commission's Safety and Enforcement Division – Rail

Crossings Engineering Section at least five (5) business days prior to opening the crossings. Notification must be made to rces@cpuc.ca.gov.

5. Within 30 days after completion of the work under this Order, the Exposition Metro Line Construction Authority shall notify the California Public Utilities Commission's Safety and Enforcement Division - Rail Crossings Engineering Section in writing, by submitting a completed California Public Utilities Commission Standard Form G (Report of Changes at Highway Grade Crossings and Separations), of the completion of the authorized work. Form G requirements and forms can be obtained at the California Public Utilities Commission web site Form G page at www.cpuc.ca.gov/PUC/safety/Rail/Crossings/formg.htm. This report may be submitted electronically to rces@cpuc.ca.gov as outlined on the web page.

6. This authorization shall expire if not exercised within three (3) years unless time is extended or if the above conditions are not satisfied. Authorization may be revoked or modified if public convenience, necessity, or safety so requires.

7. A request for extension of the three-year authorization period must be submitted to the California Public Utilities Commission's Safety and Enforcement Division - Rail Crossings Engineering Section at least 30 days before its expiration of that period. A copy of the extension request shall be sent to all interested parties.

8. This application is granted as set forth above.

9. Application 14-01-013 is closed.

This order becomes effective 30 days from today.

Dated _____, at San Francisco, California.